

REMARKS

After a careful and detailed review of the Office Action, applicants submit that this is a complete and full response to the Office Action.

Claims 1-5 are pending with the cancellation of claims 6 and 7.

The amendment to claim 1 is supported by Figures 2 and 8 of the application. No new matter has been entered.

Title

The Title of the Invention was objected to. With the amendment to the Title, applicants submit that the Title is descriptive of the invention. Withdrawal of the objection is requested.

Claim Rejection -- 35 U.S.C. 102

Claims 1, 2, 4 and 6 were rejected under 35 U.S.C. 102(b) as being anticipated by Taira et al. (U.S. Patent No. 5,809,003). Claim 6 has been canceled. Applicants respectfully traverse the rejection of claims 1, 2 and 4.

The Patent Office was of the opinion that Figure 2 of Taira et al. discloses each and every element of the claimed invention. Applicants respectfully disagree.

Taira et al. is directed to an optical disk of first and second substrates, wherein label information is formed on at least one of the surfaces of the first and second substrate, which contact each other. See Abstract. Taira et al. discloses three scenarios for the optical disk: (1) where no information is recorded on the

overall one surface of the disk; (2) where an outer circumference portion of one surface of the disk has no information; and (3) where information is recorded in the overall recording areas of both surfaces of the disk. See col. 4, lines 30-57. However, Taira et al does not disclose an information recording and reproducing medium in which information can be optically written onto both sides of the medium, comprising a label area provided on an outer surface of at least one of the sides of the medium. Taira et al. at most teaches a label area provided about an **inner** surface of one side of an optical disk, and most definitely not a label area provided on an **outer** surface of one side, as claimed. Since Taira et al fails to disclose each and every element of the claimed invention, Taira et al does not anticipate claims 1, 2 and 4. Withdrawal of the rejection is requested.

Claim Rejection -- 35 U.S.C. 103

Claims 3, 5 and 7 were rejected as obvious over Taira et al in view of Tsutomu (JP 59-215892). Claim 7 has been canceled. Applicants respectfully traverse the obviousness rejection of claims 3 and 5.

Taira et al differs from claims 3 and 5 at least in not disclosing that the recording layer is formed from either a cyanine based organic dye or an azo based organic dye. Tsutomu is relied upon for a disclosure of a recording layer comprising an organic coloring matter having a cyanine coloring matter or azo dye.

However, claims 3 and 5 also differ from Taira et al in that Taira et al is silent on an information recording and reproducing medium in which information

can be optically written onto both sides of the medium, comprising a label area provided on an **outer** surface of at least one of the sides of the medium. Tsutomu fails to cure this deficiency of Taira et al because Tsutomu does not disclose an information recording and reproducing medium, comprising a label area provided on an **outer** surface of at least one of the sides of the medium in which information can be optically written onto both sides of the medium.

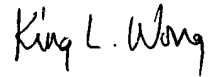
There would have been no suggestion or motivation to modify the information recording and reproducing medium of Taira et al by putting a label area provided on an **outer** surface of at least one of the sides of the medium in which information can be optically written onto both sides of the medium. Thus, the obviousness rejection of claims 3 and 5 over Taira et al in view of Tsutomu should be withdrawn.

Conclusion

In view of the above reasoning, applicants submit that the application is in a condition for allowance. A Notice of Allowance is believed in order.

In the event that the filing of this Response is deemed not timely, applicants petition for an appropriate extension of time. The petition fee, and any other fees that may be required in relation to this Response, can be charged to Deposit Account No. 01-2300, referencing Docket No. 107156-00060.

Respectfully submitted,



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Enclosure: Petition for Extension of Time

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